

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT ALLEN LEE, individually :  
and on behalf of all others similarly situated, :  
:  
Plaintiffs, :  
:  
v. : Civil Action No. 11 cv 8665 (PAC)  
: ECF CASE  
STACY MAKHNEVICH and ASTER DENTAL, :  
a/k/a CHRYSLER BUILDING DENTAL : **AFFIDAVIT OF ATTEMPTED**  
ASSOCIATION, a/k/a NORTH EAST P.C., a/k/a : **SERVICE**  
SOUTH EAST DENTAL SUITE, a/k/a LINCOLN :  
SQUARE DENTAL ARTS, a/k/a LINCOLN :  
SQUARE DENTAL ARTS OF MANHATTAN, :  
a/k/a CHRYSLER DENTAL, :  
:  
Defendants. :  
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STATE OF NEW YORK )  
) ss.:  
COUNTY OF NEW YORK )

William Lutz, being duly sworn, deposes and says that I am not a party to the within action, I am over eighteen (18) years of age, and I reside in Brooklyn, NY.

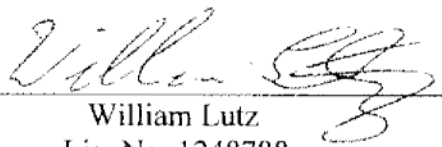
On December 1, 2011, at 2:40 p.m., at the Chrysler Building, 405 Lexington Avenue, New York, New York 10017, I attempted to personally serve the following documents upon Defendants Stacy Makhnevich and Aster Dental, a/k/a Chrysler Building Dental Association, a/k/a North East P.C., a/k/a South East Dental Suite, a/k/a Lincoln Square Dental Arts, a/k/a Lincoln Square Dental Arts of Manhattan, a/k/a Chrysler Dental:

- (a) Summons and Complaint with Exhibits
- (b) Judge Paul A. Crotty's Individual Rules of Practice
- (c) Southern District of New York Electronic Case Filing Rules & Instructions
- (d) Consent to Proceed Before United States Magistrate Judge


The 69<sup>th</sup> floor of 405 Lexington Avenue is identified as Stacy Makhnevich's office address. Located at the address is a commercial office building. Access to the upper floors is tightly controlled by building staff. I informed the individual at the security desk that I was there to see Dr. Stacy Makhnevich, and was informed that she was on vacation for "a few weeks," and that he did not know the date upon which she was expected to return.

I next asked if Dr. Anita Agarwal was available. Dr. Agarwal is believed to be an associate of Aster Dental. The individual at the security desk made a phone call and, when finished, advised me that he had reached a referral service who informed him that Dr. Agarwal was also on vacation. I asked if anyone was present at Aster Dental that week to see patients, and he responded that no one would be present that week.

At 2:55 p.m., I returned and inquired as to the availability of the other named Defendants. The individual at the security desk and another individual responded that they were unfamiliar with any of the other Defendants' names. The first individual then made another phone call, and, when finished, informed me that Aster Dental would be open again on Wednesday, December 7, 2011.

  
William Lutz  
Lic. No. 1248788

Sworn to before me this  
23rd day of December, 2011

  
Notary Public

**MICHAEL R. SHANNON**  
NOTARY PUBLIC, State of New York  
No. 01848200637  
Qualified in New York County  
Commission Expires Jan. 26, 2013